GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - MA&UD Department – Gudivada Municipality - Allegations of misappropriation of funds, corruption and drawing of salary against PH worker in Gudivada Municipality - Disciplinary proceedings instituted against Sri A.Samuel, the then Municipal Commissioner, Gudivada Municipality - Inquiry conducted – Imposition of a major penalty of "withholding four (4) annual grade increments with cumulative effect" – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.633 **Dated.19.08.2024.**

Read the following:

1. From the Director of Municipal Administration, A.P., Guntur, Letter RoC.No.1637153/2018/C1-4, dated 01.10.2018 and 08.12.2018.
2. G.O.Rt.No.1157, MA&UD (Vig.II) Dept., dt.20.12.2018.
3. G.O.Rt.No.1158, MA&UD (Vig.II) Dept., dt.20.12.2018.
4. Written Statement of Defense of Sri A.Samuel, Municipal Commissioner, Gudivada, dt.15.02.2019.
5. G.O.Rt.No.288, M.A. & U.D. Dept., dt:29.03.2019 read with GO Rt.No.467, M.A. & U.D. Dept., dt:24.07.2019 and G.O.Rt.No.690, MA&UD (Vig.II) Department, dated.01.11.2019.
6. From Sri K.Ramesh, RDMA, Visakhapatnam and Inquiry Officer, letter Roc.No. 143/2020/A3, dated.30.01.2021.
7. Govt. Memo.No.1665512/Vig.II/2018, dt:12.07.2021.
8. Written representation of Sri A.Samuel, the then Municipal Commissioner, Gudivada Municipality, dated:Nil, received through the Director, Animal Husbandry Department, Vijayawada, Letter Roc.No.4286/VC/G1/2022, dated 08.09.2022. and further representation of the individual, dated 20.10.2023.

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O R D E R:-

Whereas, based on the report of the Director of Municipal Administration, A.P., in the reference 1st read above, Government initiated disciplinary proceedings against Sri A.Samuel, the then Municipal Commissioner and (3) others, Gudiwada Municipality on the irregularities in regularization of absconded period 01.01.2009 to 31.10.2010, sanction of increments, fixation of pay in Revised Pay Scales (RPS) and drawl of the pay and allowances for the period from 01.11.2010 to 31.05.2018 in respect of Sri Malligunta Raju, PH worker and misappropriated the Govt. Funds to a tune of Rs.20.89 lakhs. In the reference 3rd read above, (11) charges were framed against Sri A.Samuel, the then Municipal Commissioner, Gudivada Municipality, after obtaining the consent from his parent Department i.e., the Animal Husbandary Department.

2. In the reference 4th read above, the charged officer submitted his written statement of defence by denying the charges framed against him and requested to drop further action. Having not convinced with the written statement of defence submitted by the charged officer, it has been decided to conduct regular inquiry and Government appointed an Inquiry Officer to inquire into the charges framed against all the Charged Officers in the G.O. 5th read above.

(Cont..2)

3. The Inquiry Officer conducted inquiry into the charges framed against the charged officers and submitted his report, vide reference 6th read above. The Inquiry Officer among others stated that the Charged Officer Sri A.Samuel, the then Municipal Commissioner has not followed the due procedure and simply sanctioned the Periodical Increments for (10) years and issued the Pay Fixation Proceedings for RPS 2010 & 2015 which was submitted by Smt. G. Pavani, Senior Assistant without verification of the back papers. The incremental Proceedings, Pay fixation of RPS – 2010 & 2015 Proceedings and arrear bills prepared on 22-05-2018 and the same day uploaded in CFMS. Hence it should be treated as hurry and hasty manner as the preparation of the said arrear bills is necessary to certain period of days. The arrear bills, sanction of proceedings are one and the same date i.e. on 22-05-2018 is clearly shows it is intentional and pre-planned to embezzlement of the Govt. Funds and purely colluded with his subordinate staff. The version of the Charged Officer is not convincing and his additional explanation also not tenable as he has thrown his responsibility to his sub ordinate staff which is not correct. Moreover, the Inquiry Officer observed that the bills were drawn against Sri M. Raju, PH Worker, at a time for (9) years without following the due procedure. Hence, the explanations of the Charged Officers are not considerable. Finally, the Inquiry Officer reported that basing on the analysis of evidence and findings, out of 11 Charges, ten (10) Charges are held proved and one (1) charge is not held proved against the charged officer.

4. In the reference 7th read above, Government have accepted the findings of the Inquiry Officer and communicated a copy of inquiry report to the charged officer Sri A.Samuel, the then Municipal Commissioner and other Charged Officers, with a direction to submit his written representation if any, on the findings of the Inquiry Officer in terms of Rule 21 (2) of APCS (CCA) Rules, 1991.

5. The charged officer, vide reference 8th read above submitted his written representation and among others, stated that it is not true that he colluded with the Senior Assistant and Sanitary Inspector working in the Municipality. Further, he has not taken action willfully and followed the proposals submitted by the lower staff due to lack of knowledge as Municipal Commissioner as he was newly posted on deputation basis to work as Municipal Commissioner. Therefore, he denied the charges and requested to drop further action in the matter, since his role is limited and under not stretch of imagination, he is not concerned with the Misappropriation of Govt. Funds as alleged.

6. Government have examined the written representation of delinquent officer, keeping in view the findings of the Inquiry Officer and the gravity of charges/ the roles & responsibilities and observed that Sri A.Samuel, the then Municipal Commissioner, Gudivada Municipality, has not acted his legitimate duties and he cannot escape from his duties duly throwing his responsibilities on his sub ordinate staff and stating that his duties are supervisory in nature and he has utterly failed to perform his duties. Without proper verification of the bills submitted by the sub ordinates with reference to the SR/muster register of Sri M. Raju, PH Worker, he has sanctioned the emoluments to the individual which is highly irregular. Hence, Government decided to impose a major penalty "withholding four (4) annual grade increments with cumulative effect" against Sri A.Samuel, the then Municipal Commissioner, Gudivada Municipality, under Rule 9 of A.P. C.S. (CC&A) Rules, 1991, as out of (11) charges, (10) charges are held proved against the charged officer.

(Cont..3)

7. Accordingly, the Government hereby impose a major penalty of "withholding four (4) annual grade increments with cumulative effect" against Sri A.Samuel, the then Municipal Commissioner, Gudivada Municipality, under Rule 9 of A.P.C.S. (CC&A) Rules, 1991.

8. The Director of Municipal Administration, A.P., Mangalagiri / the Director, Animal Husbandry Department, Vijayawada, shall take necessary further action in the matter accordingly.

9. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL KUMAR SINGHAL
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri A.Samuel, the then Municipal Commissioner,
Gudivada Municipality, through the Director of
of Municipal Administation, Mangalagiri.
The Director of Municipal Administration, A.P., Mangalagiri.

Copy to:

The Director, Animal Husbandry, A.P., Vijayawada.
The A.H.D.D. & F (Dy.Vig) Department, A.P. Secretariat, Amaravati.
The Commissioner, Gudivada Municipality, Gudivada, Krishna District.
The Secretary to A.P. Vigilance Commission, 5th Block, A.P. Secretariat.
The P.S. to Hon'ble M (MA&UD).
The P.S. to Spl.CS to Govt., MA&UD Dept.,
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER.